

## **Attachment B**



United States Department of Agriculture

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Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW.  
Washington, D.C.  
20250

APR 17 2014

Mr. Peter Brandt  
Senior Attorney  
The Humane Society of the United States  
2100 L Street, N.W.  
Washington, D.C. 20037

RE: FOIA-2014-00224

Dear Mr. Brandt:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) dated April 14, 2014, in which you requested a copy of records relating to Perdue and Harvestland poultry products labeling, from January 1, 2007 to April 11, 2014. FSIS received your request on April 16, 2014, and assigned tracking number FOIA-2014-00224. Please reference this number in any future communications with this office with regard to your request.

Pursuant to the FOIA, 5 USC 552(a)(6)(A)(i), the USDA's FSIS has twenty (20) working days upon receipt of a request to make a determination. In unusual circumstances, such as an agency's backlog or the need to examine a voluminous amount of records required by the request, or the need to consult with another agency, FSIS can extend the 20-day time limit for processing a request.

In addition to your request for records, you asked that we waive all fees associated with processing your request.

The USDA's FOIA Regulations, 7 CFR, Part 1, Subpart A, Appendix A, sets forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

1. The request is for records that are in the public interest.  
2. The request is for records that are not otherwise available to the public.  
3. The request is for records that are not otherwise available to the public.  
4. The request is for records that are not otherwise available to the public.  
5. The request is for records that are not otherwise available to the public.  
6. The request is for records that are not otherwise available to the public.

1. Whether the subject of the requested records concerns "the operations or activities of the government."
2. Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.
3. Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons.
4. Whether the contribution to public understanding of government operations or activities will be "significant."
5. Whether the requester has a commercial interest that would be furthered by the requested disclosure.
6. Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

As a requester, you bear the burden under the FOIA of showing that the Fee waiver requirements have been met. Based on my review of your April 14, 2014, letter and for the reasons stated herein, I have determined that your fee waiver request does sufficiently meet all of the criteria under the FOIA and the applicable regulations. Therefore, your request for a fee waiver is approved.

We will comply with your request to the fullest extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly upon completion of FSIS' search and review process or if applicable, following receipt of any fees assessed to you.

Peter Brandt  
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If you have any questions regarding the status of your request, please contact the FOIA staff at (202) 720-2109, or by e-mail at [fsis.foia@usda.gov](mailto:fsis.foia@usda.gov).

Thank you for your interest in FSIS programs and policies.

Sincerely,

*A. M. Perkins*

Arianne M. Perkins  
Acting Director, FSIS FOIA Office  
Freedom of Information Act



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